

THE STATE OF NEVADA.

PROOF OF THE APPROPRIATION OF WATER.

State your name J. O. Birmingham

1. Q. Postoffice.

A. Yerington, Nev.

2. Q. State the use to which the water has been applied.

A. Irrigation and domestic.

3. Q. State the means of diversion employed.

A. By small lateral ditches

4. Q. If through a ditch state its name.

A. McLeod Ditch

5. Q. (a) State date of survey of the ditch or other distributing works through which the water claimed is diverted. (b) The date when the construction of such ditch was begun and when completed.

A. (a) Surveyed in fall of 1862

(b) Began construction, fall of 1862; completed, spring of 1863

6. Q. If any enlargements were made state the date when begun and the date when completed.

A. No enlargements, except deepened a little

7. Q. State dimensions of the ditch as originally constructed, and as enlarged.

A. About 6 ft. wide, and about 6 ft. deep.

8. Q. State the name of person, association of persons or corporation who built the ditch or canal, and the name or names of its present owners.

A. Built by, McLeod, Clemens, and Stout

9. Q. State the nature of your title to the land for which an appropriation is claimed, and if not owned by you give the name of the owner and the nature of the possessory right which you exercise.

A. By deed, and U. S. patent

10. Q. State the year when water was first used for irrigation or other beneficial purposes, and by whom. If for irrigation, give the number of acres watered the first year, with the legal subdivisions on which the water was used, and as near as may be the acres irrigated in each legal subdivision.

A. Water was first used in 1869, by Dan Weatherman and Geo. Deo. About 40 acres, W $\frac{1}{2}$, W $\frac{1}{2}$ sec. 34, T. 14 N. R. 25 E. and about 20 acres, S. E. $\frac{1}{4}$, N. W. $\frac{1}{4}$, sec. 3, T. 13 N. R. 25 E.

11. Q. State the number of acres watered each subsequent year, and give the legal subdivisions on which the water was used, and as near as may be the acres irrigated in each legal subdivision.

A. 50 acres, S.W.¹/₄, N.E.¹/₄; N.W.¹/₄, N.E.¹/₄ and N.E.¹/₄, N.W.¹/₄ all sec. 3, T. 13 N. R. 25 E. by the Potts boys was irrigated in 1870. 40 acres, W. part, E.¹/₂, W.¹/₂ sec. 34, T. 14 N. R. 25 E. was irrigated in 1874 by John M. Gowen, also from 1874 to 1876 120 acres, N.W.¹/₄ and S.W.¹/₄ sec. 34, T. 14 N. R. 25 E. by John M. Gowen. This 120 acres were irrigated for pasture. 20 acres, W. part, W.¹/₂, N.E.¹/₄ sec. 3, T. 13 N. R. 25 E. in 1878, by Chas. Fuller; 20 acres of grass land, E.¹/₂, S.E.¹/₄, N.E.¹/₄ sec. 3, and 40 acres grass land, S.W.¹/₄, N.W.¹/₄ sec. 2, all in T. 13 N. R. 25 E. by C. Fuller. 20 acres, N.¹/₂, N.E.¹/₄, N.W.¹/₄ sec. 3, and 80 acres, N. part of sec. 3, T. 13 N. R. 25 E. was irrigated in 1888 by Birmingham, 20 acres, S.¹/₂, N.E.¹/₄ sec. 3, was irrigated in 1904, by Birmingham, and all of the above has been irrigated up to the present time; 20 acres, in E.¹/₂, N.E.¹/₄, N.E.¹/₄ sec. 4, T. 13 N. R. 25 E. was irrigated from 1894 to 1901, by Freeman, and has layed idle since 1901.

12. Q. If water is claimed for irrigation, give the legal subdivisions of land owned or controlled by you for which an appropriation is claimed.

A. 20 acres W.¹/₂, N.E.¹/₄, N.E.¹/₄ sec 4, T. 13 N. R. 25 E.
40 acres, S.E.¹/₄, S.E.¹/₄ sec. 33, T. 14 N. R. 25 E.
40 " N.W.¹/₄, N.W.¹/₄ " 3, T. 13 N. R. 25 E.
~~50~~ " Along the W. part of sec. 34, T. 14 N. R. 25 E.
40 " ~~part~~ S.W.¹/₄, S.W.¹/₄ sec. 34, T. 14 N. R. 25 E.
20 " /

13. Q. State the acreage said ditch is capable of watering, give the legal subdivisions of land which it can be made to irrigate, and state who owns said land.

A.

14. Q. State the character of the soil and the kind of crops cultivated.

A. Sandy loam, gravelly sand loam, and loam. Alfalfa grain, potatoes, vegetables, etc.

15. Q. Are you an owner in said ditch? If so state your proportionate interest therein.

A. $\frac{1}{6}$ interest

16. Q. The plat prepared by the State Engineer is hereby accepted as showing correctly the location of the M. E. Lead Ditch and the land which can be irrigated therefrom.

A. About correct.

17. Q. When does your irrigation season begin and when does it end?

A. About 1st March and ends about 1st October

18. Q. If water is used for other purposes than irrigation, state the nature of such use, the time when such use began, and how much water is required for such purpose.

A. *Used for water stock*

19. Q. During what months is the water used?

A. *All the year*

20. Q. Have you had sufficient water each year since the use for which an appropriation is claimed began? If not, state the years of scarcity, the months when the supply was insufficient, and the reason of such scarcity.

A. *Scarcce from 1893 to 1899, especially in the later part of the irrigation season; due to improper distribution, farther up the river.*

Signed:

J O Birmingham

Yerington, Nevada, March 26th, 1907

Sworn to and subscribed before me at Yerington, Nevada, this 26th day of March, 1907.

E H Whitacre, Notary Public.

Remarks:

0303.
~~0303~~

PROOF OF APPROPRIATION

Date of Appropriation

PRIORITIES

GENERAL

STREAM

NAME OF STREAM

Five Leaf

TRIBUTARY OF

NAME OF CLAIMANT

J. O. Barnette

Filed in this office this *1st*

day of *April*, 190*7*

Henry Thacker

State Engineer



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